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OFFICE OF PETITIONS

In re Application of :
James L. Hartley, et. al. :
Application No. 10/058,291 :
Filed: January 30, 2002 :
Attorney Docket No. IVGN 127.7 CON :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on February 14, 2007, to revive the above-identified application.

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed August 11, 2006.

While the assignee attempted to intervene in the above-identified application, the Power of Attorney filed on January 18, 2007, does not comply with the requirements of 37 CFR 3.73(b). In this regard, compliance with 37 CFR 3.73(b) has not been satisfied, in that, a complete chain of title from the original owners to the current assignee has not been provided. Therefore, in order to perfect the power of attorney filed on January 18, 2007, full compliance with 37 CFR 3.73(b) must be satisfied.

In accordance with 37 CFR 1.34(a), the signature of Peter Foiles appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. A courtesy copy of this decision is being mailed to the address listed on the petition.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1,020 extension of time fee submitted on February 13, 2007 was

subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 1623, for further review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith

Petitions Examiner
Office of Petitions

cc: Peter Foiles
Invitrogen Corporation
1600 Faraday Avenue
Carlsbad, CA 92008